

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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FREDRICK LUDWIG,

Petitioner,

Case No. 3:13-cv-00070-MMD-VPC

v.

ORDER

ISIDRIO BACA, et al.,

Respondents.

This habeas matter comes before the Court on petitioner's proper person motion for an extension of time to respond to the pending show-cause order (dkt. no. 6), motion for issuance of subpoenas (dkt. no. 7), and motion to reconsider the appointment of counsel (dkt. no. 8).

Subsequent to the filing of the foregoing motions, retained counsel has entered a notice of appearance for petitioner.

The notice of appearance moots the motion to reconsider the appointment of counsel, which the Court in any event was not inclined to grant.

The Court will grant the proper person motion for an extension of time to allow counsel a period of time to respond to the show-cause order.

The Court further will deny the motion for issuance of subpoenas without prejudice. The Court was not persuaded on the showing made in the proper person motion that issuance of the subpoenas sought was necessary for petitioner to respond to the show-cause order. See *a/so* Rule 6 of the Rules Governing Section 2254 Cases.


1 It is therefore ordered that petitioner's motion for an extension of time to respond
2 to the show-cause order (dkt. no. 6) is granted in part, such that petitioner shall have
3 sixty (60) days from entry of this order within to file a response to the show-cause order
4 through counsel. As specified further in the show-cause order, all factual assertions in
5 the response must be supported by either a declaration under penalty of perjury and/or
6 other competent evidence. Unsupported factual allegations will be disregarded. This
7 action will be dismissed without further advance notice if a response is not filed or if
8 petitioner does not demonstrate that the petition should not be dismissed as untimely.

9 It further is ordered that petitioner's motion for issuance of subpoenas (dkt. no. 7)
10 is denied without prejudice on the showing made.

11 It further is ordered that petitioner's motion to reconsider the appointment of
12 counsel (dkt. no. 8) is denied.

13 The Clerk of Court shall regenerate notices of electronic filing for counsel for all
14 prior filings herein

15 DATED THIS 11th day of February 2014.

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19 MIRANDA M. DU
20 UNITED STATES DISTRICT JUDGE
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